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June 16, 2021

VIA ECF

Honorable Jesse M. Furman, U.S.D.J.
United States District Court
40 Foley Square
New York, NY 10007

**Re: *Guangfu Chen, et al. v. Hiuyin Lam and Qixia Kuang*
S.D.N.Y. Case No. 21-CV-4757 (JMF)**

Your Honor:

This office was recently retained to represent Defendant Qixia Kuang in the captioned matter.

This letter is respectfully submitted to request an extension of time for Defendant Kuang to respond to Your Honor's Order dated June 1, 2021 (ECF # 7), which directs that, no later than June 22, 2021: (1) any party objecting to consolidation of this case with *Chen, et al v. Matsu Fusion Restaurant, Inc.*, S.D.N.Y. Case No. 19-CV-11895 (JMF) file a letter explaining such objection and (2) the parties submit a joint letter proposing next steps in both this case and Case No. 19-CV-11895. We respectfully request that Your Honor extend Defendant Kuang's time to comply with the aforesaid directives until **July 12, 2021**.

This is the first request to extend the aforementioned deadline. The proposed time extension is necessary to allow the undersigned sufficient time to investigate, so that I may properly advise Defendant Kuang on how best to respond to Your Honor's Order.

As noted, our firm was just retained to represent Defendant Kuang, who Plaintiffs named as a party Defendant by way of an amended pleading filed less than a week ago.¹ Based on my preliminary review, it appears Plaintiffs' allegations in the Amended Complaint pertaining to Defendant Kuang are legally deficient as well as provably inaccurate, and that there is in fact no legitimate basis for naming Defendant Kuang as a party Defendant. Accordingly, I require the

¹ The original Complaint filed in this action named "Jessica Doe" as a Defendant. See ECF #1. An subsequent amended Complaint filed on June 10, 2021 substituted Defendant Kuang's name in place of "Jessica Doe", *see* ECF # 11 (even though documents attached to the Amended Complaint continue to name "Jessica Doe", *see* ECF 11-1).

Page 2

extension sought herein to fully investigate the facts relevant to such allegations, and to review relevant authority as well as the extensive prior proceedings in Case No. 19-CV-11895, before I can properly advise Defendant Kuang on whether to consent to consolidation, or how to proceed in the two cases (significantly, this may include, *inter alia*, potential dispositive and/or other motion practice that could impact consolidation).

Prior to filing this request, I repeatedly reached out to opposing counsel Mr. Troy and Mr. Schweitzer by email to seek their consent for this extension.² I advised opposing counsel that I had just been retained to represent Defendant Kuang and needed additional time to conduct a proper investigation. Ex. A. However, Mr. Schweitzer refused consent, responding to me by email today as follows:

*This is the 2nd case of the same matter to add individuals.
We would like to consolidate.
We do not think anyone needs an extension. Ex. A.*

I am unable to comprehend this response and respectfully submit that opposing counsel have not provided a valid reason for refusing consent under these circumstances.

For the foregoing reasons, I respectfully request that an extension of time for Defendant Kuang to respond to the June 1, 2021 Order, until July 12, 2021 be granted. Alternatively, I respectfully request a conference with Your Honor to address this application.

Respectfully submitted,
KAUFMAN DOLOWICH & VOLUCK, LLP



Taimur Alamgir

cc: All counsel (via ECF)

The Application is GRANTED. Any party wishing to object to the consolidation of the two cases (19-CV-11895 and 21-CV-4757) must do so no later than **July 12, 2021** in accordance with the Court's Order at ECF No. 96 (19-CV-11895). The deadline for the parties in both cases to file joint letters proposing next steps, as discussed at ECF No. (19-CV-11895), is also extended **until the same day**. The Clerk of Court is directed to terminate ECF No. 15 (21-CV-4757), and docket this Order on the dockets of both 19-CV-11895 and 21-CV-4757. SO ORDERED.



June 17, 2021

² I also called opposing counsel's office today in an effort to confer over the phone, but was rebuffed by an office staff member who declined to connect me with an attorney, instead directing me to communicate with opposing counsel by email.